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United States Attorney  
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Senior Counsel, Environmental Crimes Section  
Environment and Natural Resources Division  
U.S. Department of Justice  
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Assistant United States Attorney  
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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

-oOo-

UNITED STATES OF AMERICA,	)	<u>ORDER ON MOTION</u>
	)	
Plaintiff,	)	CASE NO. 2:13-cr- <u>254-APG-GWF</u>
	)	
vs	)	<u>MOTION TO CONDUCT INITIAL</u>
	)	<u>APPEARANCE, ARRAIGNMENT AND</u>
ROCKWOOD LITHIUM, INC.,	)	<u>PLEA WITH SENTENCING</u>
	)	
Defendant.	)	

The United States, by and through its undersigned counsel, hereby respectfully requests that the initial appearance, arraignment and plea, and sentencing in the above captioned case be conducted at a single hearing.

**BACKGROUND**

1. The parties have negotiated a proposed resolution of the charge brought in the Information. The resolution is contained in the plea agreement.

2. The defendant has agreed to plead guilty to a misdemeanor violation of the Migratory Bird Treaty Act, 16 U.S.C. §§ 703, 707a. As the proposed charge is a misdemeanor, the matter may proceed on an information and does not require the waiver of indictment. Fed. R. Crim. P. 58(b)(1).

3. The defendant supports the government's request that the initial appearance, arraignment, plea and sentencing be collapsed into a single hearing. The request is for the benefit of both parties. The defendant will need to have a corporate representative present at these hearings. Lead counsel for the United States is Senior Counsel Robert Anderson of the Department of Justice, Environmental and Natural Resources Division. Neither the corporate representative nor Mr. Anderson are local; both will need to fly in for the hearings. This request is an attempt to save on that expense.

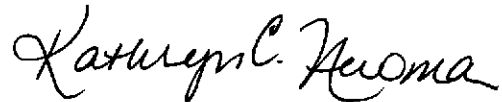
### CONCLUSION

For these reasons, the United States respectfully requests that the Court set a single date for the initial appearance, arraignment and plea, and sentencing in this case.

Date: June 27, 2013

Respectfully submitted,


DANIEL G. BOGDEN  
United States Attorney



ROBERT ANDERSON  
Senior Counsel  
U.S. Department of Justice, ENRD  
KATHRYN C. NEWMAN  
Assistant U.S. Attorney  
District of Nevada

### PROPOSED ORDER

IT IS HEREBY ORDERED that the Initial Appearance, Arraignment and Plea, and Sentencing in this matter be set for the following date and time, October 16, 2013, at 10:30 a.m. in Courtroom 6C. The U.S. Probation Office is hereby order to prepare a Presentence Investigation Report in connection with this matter.

  
 U.S. District Court Judge

Dated: 7/12/2013

# EXHIBIT A

HOLLAND & HART



**William W. Mercer**  
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June 17, 2013

Robert S. Anderson  
Senior Counsel, Environmental Crimes Section  
Environment and Natural Resources Division  
U.S. Department of Justice  
105 E. Pine Street, 2nd Floor  
Missoula, Montana 59802

Kathryn C. Newman  
Assistant United States Attorney  
333 Las Vegas Boulevard South  
Suite 5000  
Las Vegas, Nevada 89101

Re: Rockwood Lithium, Inc.

Dear Bob and Kathryn:

Attached is our client's authorization to prepare a Pre-Sentence Report in advance of any subsequent hearing on the charges in the Information.

Very truly yours,

William W. Mercer  
for Holland & Hart LLP

WWM:asf  
Enclosure

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Holland & Hart LLP

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(057)

## UNITED STATES DISTRICT COURT

DISTRICT

Nevada

### Consent to Institute a Presentence Investigation and Disclose the Report Before Conviction or Plea of Guilty

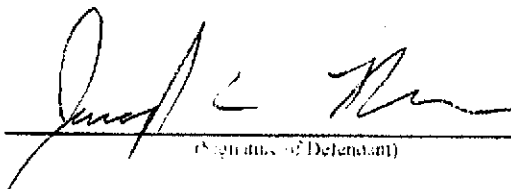
I, Rockwood Lithium Inc., hereby consent  
(Name of Defendant)

to a presentence investigation by the probation officers of the United States district courts. I understand and agree that the report of the investigation will be disclosed to the judge and the attorney for the government, as well as to me and my attorney, so that it may be considered by the judge in deciding whether to accept a plea agreement that I have reached with the government.

I have read, or had read to me, the foregoing consent and fully understand it.

June 17, 2013

(Date)

  
(Signature of Defendant)

June 17, 2013

(Date)



(Defendant's Attorney)